



Chesapeake Health Department

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NEW FOOD REGULATIONS EFFECTIVE July 18, 2016

The Virginia Board of Health has adopted revised Virginia Food Regulations which take effect July 18, 2016. This newsletter outlines the most significant changes and the impact on foodservice operators.

The new Food Regulations are based on the 2015 Supplement to the 2009 FDA Model Food Code and most of the food safety practices and requirements that you are familiar with have not changed. Your local health department will be working with you to assist you in meeting the new requirements. View the regulations at: <http://chesapeake.vdh.virginia.gov>
The section number is in () after subtitles.

New Terminology

Critical and non-critical violations will no longer be used. The following terms will replace them:

- ◆ **Priority Item^P**: these items are the most essential to the prevention of hazards associated with foodborne illness or injury. Examples include: handwashing, cooking, reheating, cooling.
- ◆ **Priority Foundation^{Pf}**: these items involve the intentional development and practice of specific procedures, action or equipment to control risk factors. Examples include: personnel training, HACCP plans, documentation/record keeping.
- ◆ **Core**: includes items that usually relate to general sanitation and maintenance.

Also, the term potentially hazardous food (PHF) will be replaced with time/temperature control for safety foods (TCS).

"Cut Leafy Greens": fresh leafy greens whose leaves have been cut, shredded, sliced, chopped or torn (i.e. lettuces, spinach, cabbage, kale) are now considered TCS foods.

Certified food protection manager (55)

At least one employee with supervisory and management responsibility and the authority to direct and control food preparation and service shall be a certified food protection manager through passing a test that is part of an accredited program.

**** This has always been a local ordinance in the City of Chesapeake. This regulation goes into effect statewide on July 18, 2016. It will be enforced statewide beginning July 18, 2018.**

Duties of the PIC (70)

New duties include:

- Employees verify foods delivered to the food establishment during non-operating hours are from approved sources and are placed into appropriate storage locations.
- Employees are properly maintaining temperatures of TCS food through daily oversight.
- Employees are properly trained in food allergy awareness.
- Employees are informed in a verifiable manner of their illness reporting responsibilities.

THE "BIG SIX" FOODBORNE ILLNESSES

- **Salmonella nontyphoidal (new)**
- Typhoid Fever
- Shigellosis
- E. coli O157 H:7
- Hepatitis A
- Norovirus



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Clean-up of vomiting & diarrheal events (255)

Establishments shall have procedures for employees to follow when responding to vomiting or diarrheal events in the food establishment.

Refilling returnables (600)

Added allowance for use of returnable containers for food under certain guidelines (see Code Section).

Noncontinuous cooking (725)

Cooking of a raw animal food using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time.

Must have prior approval of written procedures.

Thawing (790)

Added requirement that reduced oxygen packaged fish be removed from the packaging prior to thawing under refrigeration or prior to or immediately upon completion of thawing under running water.

ROP without a variance (870)

Added provision that the HACCP plan shall be provided to the regulatory authority prior to implementation.

Temperature measuring devices, manual and mechanical (1520)

Added provision that facilities that use a high temperature warewashing machine shall provide an irreversible registering temperature indicator (thermolabel or maximum registering thermometer).

Cleaning agents and sanitizers (1535)

Added requirement that cleaning agents and sanitizers (except those generated on-site) shall be provided and available for use during all hours of operation.

Sampling (2100)

Facilities using private well water shall be sampled and tested annually for **nitrate and coliform**. Owners must notify regulatory authority of positive nitrate (>10mg/L) or E.coli within 2 days.

Sample report (2110)

Private well water sampling reports shall be retained for a minimum of five years and be made available upon request.

Handwashing sink, water temperature and flow (2190)

Allowed provision for use of automatic handwashing facilities.

Service sink (2250)

Added provision that toilets and urinals shall not be used as a service sink for the disposal of mop water.

Hand drying provision (3030)

Added provision to allow air-knife system as a hand drying device.

Prohibiting animals (3310)

Added provision for the allowance of dogs in outdoor dining areas if:

- Area is not fully enclosed
- Area has a separate entrance
- Signs are posted at each entrance stating that dogs are allowed
- A sign is posted with rules as stated in the Regulations.

Timely correction (3930)

Priority items must be corrected within 72 hours.

Priority foundation items must be corrected within 10 calendar days of the inspection.

Core item timeframe for correction (3950)

The permit holder shall correct core items within 90 calendar days after the inspection.

Active Managerial Control (AMC)

The FDA defines Active Managerial Control as the purposeful incorporation of **specific actions or procedures** by industry management into the operation of your business **to attain control over food-borne illness risk factors**.

Active managerial control is a **preventive** approach to food safety rather than a reactive approach.

Elements of AMC could include:

- Certified food protection manager(s)
- Employee training program
- Employee health policy
- Standard operating procedures for food preparation steps (e.g. cooling)
- Monitoring procedures
- Record keeping